

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**FALLS LAKE NATIONAL :
INSURANCE COMPANY :
v. : CIVIL ACTION NO. 21-3162
OZIEL CONSTRUCTION LLC :
_____**

ORDER

This 22nd day of February, 2022, upon review of Plaintiff's Complaint seeking Rescission (ECF #1) and its Motion for Default Judgment (ECF #6), it is hereby **ORDERED** in accordance with the accompanying Memorandum that:

- 1) Judgment is **ENTERED** in favor of Falls Lake Insurance Company and against Oziel Construction, LLC.
- 2) Workers' Compensation and Employers Liability Insurance policy no. WC00-0089694-2019A issued by Falls Lake is hereby declared rescinded as void *ab initio* and Falls Lake has no duty to defend or indemnify Oziel Construction in connection with *Wilfred Estevez Barahona v. Oziel Construction LLC* or any other claim under the policy.
- 3) Falls Lake National Insurance Company may retain as an equitable remedy any premiums paid by Oziel Construction, LLC in connection with the Workers' Compensation and Employers Liability Insurance policy no. WC00-0089694-2019A as a partial offset against defense costs incurred in the *Barahona* proceeding.

The Clerk of Court is requested to mark this case **CLOSED** for statistical purposes.

/s/ Gerald Austin McHugh
United States District Judge